

MINUTES
of the meeting of the
INDEPENDENT LABORATORY ADVISORY COMMITTEE

January 29, 2015

The Laboratory Advisory Committee held a public meeting on January 29, 2015, beginning at 10:00 A.M. at the following locations:

VIDEO-CONFERENCE SITE:

4150 Technology Way, Room 303
Carson City, NV 89706

VIDEO-CONFERENCE SITE:

1650 Community College Drive
Rawson Neal Training Room B-193
Las Vegas, NV 89146

The sites were connected by video-conference.

1. **Topic 1:** Introduction: Richard Willis opened with welcoming everyone to the first Laboratory Advisory Committee meeting.

Present from **Carson City**:

MMP: Health Bureau Chief, Chad Westom, Program Manager, Steve Gilbert, Program Officer, Jeff Hansen, Inspector Nataliya Wood. **Committee Members:** Glenn Miller, PHD, Dept. of Natural Resources & Environmental Science @ UNR, Ed Alexander, Healing Gardens, Common Sense Botanicals.

Present from **Las Vegas**:

MMP: Program Supervisor, Richard Willis, Inspector, Yolanda Sinisgallo, Inspector, William Russell, Auditor, Julie Jones, Auditor, Rino Tenorio. **Committee Members:** Roy Matthew Haskin, CannaSafe Analytics, Savino Sguera, DB Labs, Jason Sturtsman, Healthcare Options for Patients Enterprises LLC, Sue Sisley, MD (on phone).

1. Copies of the Bi-Laws and the Agenda were provided.
2. Everyone was asked to sign the sign-in sheet.

2. **Topic 2:** Discussion and possible action: In accordance with **NAC 453A.666, Independent Laboratory Advisory Committee: Establishment; duties. (NRS 453A.370)**

1. The Division will establish an Independent Laboratory Advisory Committee comprised of members who ensure that the membership of the Advisory Committee is representative of the independent testing laboratories and other medical marijuana establishments in this State.
2. The Advisory Committee shall:
 - a) Provide recommendations to the Division regarding the testing of medical marijuana;
 - b) Make recommendations to the Division for any changes to this chapter relating to the testing of medical marijuana; and
 - c) Assist the Division in creating and updating a policy manual to be used by the Division to guide the testing of edible marijuana products and marijuana-infused products by independent testing laboratories.

The Division of Public and Behavioral Health (the Division) will select the initial members of the Laboratory Advisory Committee (LAC). Possible action is for the committee to recommend a change to the membership composition of the committee to the Division for approval.

3. **Topic 3:** Selection of Chair and Vice Chair: Committee members who wish to be considered for Committee Chair or Vice Chair will indicate their desire to the group and describe their

qualifications to serve in these positions. After public comments are complete, committee members will vote and select members to these positions.

Richard Willis asked for members who wish to be considered for the chair to signify by raising your hand.

Committee Comments:

1. Candidates were identified as; Glenn Miller, Ed Alexander, Savino Sguera.
2. The votes were a tie between Glenn Miller and Savino Sguera, 3 votes each. The seventh member was not present. The decision of Chair and Vice Chair was tabled until next meeting.

Public Comment:

1. Lisa Hauger, NV Cann Labs – endorses Savino Sguera for Committee Chair.
2. Roger Shoul, Certified AG Lab – endorses Glenn Miller for Committee Chair.
3. Jason Strull, 374 Labs, LLC – endorses Glenn Miller for Committee Chair.
4. Lizette Matos, Ace Analytical Labs – endorses Savino Sguera for Committee Chair.

4. **Topic 4:** Discussion and possible action: **By-laws for committee meetings.** Possible action will be for the committee to recommend adoption of By-laws to the Division for approval.

Committee Comments:

1. **BYLAW - Article VIII, Expenses: NRS 439.2792(4).** There is no provision in NRS 453A or NAC 453A for per diem eligibility.
 - a. Jeff Hansen, Program Officer - will research further and address in next meeting.
2. **BYLAWS.**
 - a. Ed Alexander - motioned that the committee members compile questions and comments within 72 to 96 hours about the bylaws prior to scheduling the next meeting. All questions and comments are to be sent to Yolanda Sinisgallo at ysinisgallo@health.nv.gov. Yolanda will compile all information into a live document.
 - b. Glenn Miller - seconded the motion.

Public Comments:

1. Lisa Hauger, NV Cann Labs – Believes the Bylaws need a little more thought and suggests tabling the vote.

5. **Topic 5:** Discussion and possible action: **The LAC meeting schedule.** Possible action is for the LAC to recommend meeting frequency, meeting schedule etc., to the Division for approval.

Committee Comments:

1. Jason Sturtsman - motioned meetings to be held on Wednesdays'. Time would be from 3:00PM to 5:00PM.
2. Glenn Miller - seconded motion.
3. Ed Alexander – suggested meetings be held once every 2 weeks.
4. Jason Sturtsman – suggested 6 times a year is enough.
5. Ed Alexander – motioned that meeting schedule be tabled until next meeting.
6. Glenn Miller – seconded motion.

Public Comments:

1. Chad Westom, Health Bureau Chief – Open Meeting Laws require posting notice in the appropriate places and the availability of meetings rooms may not allow time for bi-weekly meetings. We just can't set the next meeting yet.
2. Lizette Matos, Ace Analytical Labs- suggested there be more than 6 meetings.
3. Lisa Hauger, NV Cann Labs – suggested meetings be once a month.

6. **Topic 6:** Discussion and possible action: NAC 453A.658(9) states,

“The Independent Laboratory Advisory Committee established pursuant to NAC 453A.666 shall establish the list of pesticides approved for use in the cultivation and production of marijuana, edible marijuana products and marijuana-infused products to be sold or used in this State. For the purposes of the pesticide chemical residue test, a sample provided to an independent testing laboratory pursuant to this section shall be deemed to have passed if it satisfies the most stringent acceptable standard for an approved pesticide chemical residue in any food item as set forth in Subpart C of 40 C.F.R. Part 180.”

Possible action is for the LAC to recommend a list of pesticides acceptable for use in the cultivation of medical marijuana to the Division for approval.

Committee Comments:

1. Matt Haskin – I would agree that having an approved pesticide list would be part of our duty. Also create a list of unapproved pesticides. We have to know what we are looking for is not allowed other than just looking for the limits that we have already approved.
2. Savino Sguera – I would also like to add that things like soil testing may also be beneficial. It would be a good thing to see if any of these things are showing up in growth facilities.
3. Ed Alexander – There is a lot of good data already out there and we should utilize some of that data.
4. Matt Haskin – I would agree with that, there are living documents that we should consider using.
5. Savino Sguera – I helped co-write the Botec document and I can tell you it is very thorough. I would recommend we start with that. Pharmacopeia is very vague when talking about some of the testing methods. I would not rely solely on that document at all.
6. Ed Alexander – seconded motion for Yolanda to collect information from the member for the next meeting.
7. Matt Hansen – Are we looking at approving a limit or approving a list? Most of these in Pharmacopoeia you wouldn't want in cannabis.
8. Savino Sguera – Agrees with Erin that raising the limits because it is difficult to test is not the best option.
9. Ed Alexander – Propose that by next Wednesday you forward your items and comments to the email ysinisgallo@health.nv.gov so that we can move forward.
10. Savino Sguera – Second that motion.

Public Comments:

11. Erin Buckner, BBMC - Other states are testing for harmful components that could be in pesticides and not just a brand or name of pesticides on a list. This might not be the right way to approach it with just a pesticide list.
12. Ben Chew, MM Labs – What happens if someone uses a pesticide that isn't approved. Where's the responsibility for that? What if the lab doesn't detect it? Where is the liability?
13. Savannah Higgins, G3Labs (self) – Agrees with Erin to test for components.
14. Erin Buckner, BBMC – These are living documents as well and as things that come up that we don't know about, then we add that component to the list. So it's much more adaptable if you stick with components than just a pesticides list.
15. Jason Strull, 374 Labs – In the adopted state regulation article 78, section 3. All medical marijuana dispensaries must provide with all medical marijuana sold at retail an accompanying material that discloses any pesticides used during growing and processing. Would it be possible for the Health Dept to provide a list of all the pesticides the growers plan on using?

16. John Timlin, Naturex – I would be concerned with lying. Who is going to enforce each one of the growers are using what they say. Not just liability but enforcement.
 17. Yolanda Sinisgallo, Inspector – I think the objective here is to establish a list of tests that the laboratories need to look for.
 18. Erin Buckner, BBMC – Pharmacopoeia document is comprehensive and a living document. Suggests it would be a good place to start.
 19. Richard Willis, Program Supervisor – Suggests members compile documents to send Yolanda to put together for discussion for the next meeting.
 20. Yolanda Sinisgallo, Inspector – We are looking to you to provide us with a list so we can have a list of approved pesticides. Also to provide a list for testing.
 21. Lisa Hauger, NV Cann Labs – Wants members and attendees to have a say.
 22. Jason Strull, 374 Labs – Thinks the Botec list is a good place to start as recommended.
 23. Chad Westom, Bureau Chief – Any further public comment on item #6.
 24. Chad Westom, Bureau Chief – Anyone second that motion? Any oppose? Ok. Moving on to #7.
7. **Topic #7. Discussion and possible action:** Pesticide chemical residual analytical testing, equipment and methods. Possible action is for the LAC to recommend to the Division the adoption of standardized methods and equipment requirements pertaining to the testing of medical marijuana.

Committee Comments:

1. Ed Alexander – I don't think we should dictate as to what type of equipment they use but I do want to make sure there is accountability on behalf of the lab. I just want all the labs to come up with the same data results and we don't cut any corners.
2. Savino Sguera – I think what we're trying to say as long as the method can test down to the same results it doesn't matter what type of machinery is used. Granted that they can be validated. Suggests we do a round robin test which all labs get the same sample and the test results are submitted to an agency for validation of each lab.
3. Glenn Miller- Are we going to get into certification of the labs? One thing we have to do as a committee is to make sure these labs are competent. That opens up a whole new quality assurance, quality control, records and certification.
4. Matt Haskin – There are Third party validations that can look at your method without giving away your SOP.
5. Glenn Miller – All committee members should have all the information that has been discussed. Is that possible?
6. Savino Sguera – ISO certifications doesn't specify method. They look at whether or not what you are doing can be tracked and will actually work.
7. Matt Haskin – Having already gone through the ISO accreditation it would cut out a lot of the labs and it's a process that takes 12 to 18 months to get certified. It's something we can strive for.
8. Ed Alexander – I would hate to invest in equipment today under the pretense that the test required would need that particular piece of equipment then the committee changes the requirements and now that piece of equipment is incapable of meeting the new requirements.
9. Savino Sguera – I propose when sending your information for the list of pesticides that you also send the limits and proposed methods that work.
10. Ed Alexander – Second. I agree with that for purposes of clerical efficiency that you send which articles you are referencing.
11. Jason Sturtsman – I would be opposed from anyone dictating a specific method.
12. Glenn Miller – Suggest we ask the growers what chemicals they would like to us.

Public Comments:

1. Ini Afia, Digipath Labs – Why can't we standardize our methods starting with US standards instead of labs coming up with new methods that might not work?
 2. Chad Westom, Bureau Chief – Yes, if the committee puts in additional steps than what the law specifies, it would delay the opening of the labs and the industry.
 3. Lisa Hauger, NV Cann Labs – Suggest that we request the cultivators disclose to the labs what pesticides they are using.
 4. Chad Westom, Bureau Chief – Is there any further public comment on this?
 5. Lizette Matos, Ace Analytical Labs – Suggests using UPS561 as part of the model. It is comprehensive.
 6. Chad Westom, Bureau Chief – Is there any further public comment? What's the will of the committee for agenda item #7?
 7. Chad Westom, Bureau Chief – Is anyone opposed? Any committee members opposed?
 8. Chad Westom, Bureau Chief – Jeff Hansen will put out on the ListServ to the cultivators what chemicals would they like to use. That will be the action item for #7 and we are moving on to item #8.
8. **Topic #8. Discussion and possible action:** Heavy metal limits. Possible action is for the LAC to recommend limits on heavy metals in medical marijuana to the Division for approval.

Committee Comments:

1. Matt Haskin-The NAC 453A.658 #8 limits are way too tight, they are down in the parts per trillion. First off we don't know industry wide or have any data at all, as to the cannabis plant in its natural form and what it contains. But I think we can look to the PSP232 which covers inhalation products in the parts per billion and I can provide those numbers.
2. Glenn Miller – I think if these aren't changed it will be very difficult to meet as it is written out. We need to discuss in the next meeting if that is a show stopper. If it is then the regulatory change needs to happen very quickly.
3. Savino Sguera – I think for our next meeting we should have some testing of the heavy metals in the municipal water and the soil to see exactly what we are dealing with. Setting the limits too high can be dangerous because smoking and cooking at high temperatures can be dangerous.
4. Ed Alexander – I think we need to find out if these limits are achievable. If not then Chad that is something we need to work on because as Dr Miller stated that could be a failure to launch.
5. Matt Haskin – There is very little data available. We are in the process of trying to develop something that will tell us. In the meantime we should look at what is already out there like the US Pharmacopeia that have limits for those exact metals for inhaled products.
6. Ed Alexander – It didn't seem there was a lot of participation on the laboratories behalf when the regulations were being discussed.
7. Jason Sturtsman – Can we ask that the limit for heavy metals be raised.
8. Ed Alexander – I move that we look at the interpretation of the language in article 8 and be viewed if it could be an interpretation issue as opposed to a language issue.
9. Savino Sguera – I second.

Public Comments:

1. Chad Westom, Bureau Chief – We had a recommendation of a committee member and then a second if that could be restated the recommendation that is on the table.
2. Chad Westom, Bureau Chief – Be advise if you are making a recommendation that the regulation be changed, that is not something the committee can do. You would have to open up the regulations and have a public hearing which we did the first time. It was

adopted by the Division Administrator which is by law. So we would have to go through that process again.

3. Chad Westom, Bureau Chief – Does anyone have experience from another state when heavy metals are tested what limits are typical?
4. Chad Westom, Bureau Chief – Thank you. Let's shift over to public comment. Mr. Gardner.
5. Randy Gardner, Certified Ad Labs – We have tested a lot of material at the lab. Arsenic is in spinach and kale at 40 and 400 part per billion. It's in the soil. It's almost impossible to test limits at trillion and keep your instruments running because you are basically putting honey on your instrument at that point. I would ask that this is not a reporting limit but a dosage limit which would include body weight.
6. Chad Westom, Bureau Chief – I have a question, if these amounts were a problem with the regulations and some of you were aware, any thoughts on why this wasn't elevated where we could have fixed it?
7. Jason Strull, 374 Labs – We sent an email to Nataliya stating there was a typo in the regulations (a misplaced decimal).
8. Nataliya Woods, Inspector – I received that email but it was after the regulations were adopted.
9. Randy Gardner, Certified Ad Labs – I was also unaware of the Regs until afterwards and I apologize for that. If you use the limits as a dosage limit and not an analytical number then you do come up with a number that is fairly close. Maybe it's not the number is wrong but that it's a dosage (BW/dose) that needs to be added.
10. Chad Westom, Bureau Chief – Ok, so that would be a dose regulation. Do we have staff comment?
11. Nataliya Woods, Inspector – Yes it is body weight per dose. We would like for the committee members to submit what they think it should be and me and Yolanda will look at the information and come out with a policy.
12. Yolanda Sinisgallo, Inspector – I agree with everything Nataliya said.
13. Chad Westom, Bureau Chief – Yes the committee can make a recommendation to the Division but if the recommendation is that the regulation be changed, the Division has to go through the process and it takes time, many months, to change a Reg. If we did it now it would only be temporary regulations because the Legislation is already underway.
14. Chad Westom, Bureau Chief – If it is an interpretation that is better and faster. A regulation is going to take a lot longer.
15. Sarah Rosenfeld, MMG, Inc. – Is the committee going to be responsible for testing organic and other chemicals like hormones and do those fall under pesticides? What kind of test will there be for those and will there be a list made available?
16. Chad Westom, Bureau Chief – I am asking the staff Steve and Jeff to look in the library on the web and see if any comments came up that we can share in the next committee meeting that will help with these questions.
17. Chad Westom, Bureau Chief – That's something that hasn't been looked at for over a year and I will need to go back over my notes. That is a good discussion point and something we can look at in our future meetings after we have done some further research.
18. Chad Westom, Bureau Chief – Are there any other public comments? We are out of time for this meeting. With no further public comments, does the board have a recommendation on #8 heavy metal limits?

19. Chad Westom, Bureau Chief – Ok then it carries. That's it for the agenda. There will be more details coming on when the next meeting will be held. Thanks everyone for your time.

DRAFT